

Application No. 10/613,977
Amendment dated October 13, 2005
Reply to Office Action of June 16 2005

Docket No.: 02309/000N001-USO

REMARKS

Pending Claims

Claims 3, 4, and 7 are pending. Claim 7 has been canceled. Claim 3 has been amended. Support for the amendment to claim 3 is found in the disclosure and the drawings of the present application. No new matter has been added.

Claims 21-23 have been added. Claims 21 and 22 are similar to claims 3 and 4 but are claimed to have two pairs of holes. Claim 23 claims a dispensing opening with a flap as shown, for example, in Fig. 1. No new matter has been added.

Claim Rejections – 35 USC §112

Claim 4 has been rejected under 35 USC §112, second paragraph, as being indefinite. Claim 4 has been amended to obviate the indefinite rejection. Particularly, claim 4 has been amended to show the arrangements of the holes in the container body. Withdrawal of the rejection is respectfully requested.

Claim Rejections – 35 USC §102

Claims 3 and 4 have been rejected under 35 USC §102(b) as being anticipated by Gretz et al., Kouwenberg, or Rankow et al.

Applicants submit that none of the cited references anticipates claims 3 and 4. Claim 3 recites as follows:

Claim 3 (currently amended): A container comprising:
a container body with a receptacle portion for receiving therein a content
and an opening at an upper edge thereof, and
a lid body for engaging with said container body to close said opening,
and at least a pair of holes being formed in said container body or lid body;

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for each pair of holes, a connecting member extending from one of said two holes to the other of said two holes across and within said receptacle portion; and
two toy members being secured on respective ends of said connecting member extending from respective two holes. (Emphasis added.)

It is submitted that for at least the above bolded feature, claims 3 and 4 are not anticipated by the cited prior art references. The connecting member extends across and within the receptacle portion – that is, the connecting member extends across and within the inner portion of the container body. Claim 4 more precisely claims this arrangement of the connecting member.

In contrast, Gertz et al. shows a strap 38 for holding a chest 10 but this strap does not extend across and within the inner portion of the chest 10. Kouwenberg shows a web 20 strapped to a thermally insulating carrier but the web does not extend across and within the inner portion of the thermally insulating carrier. Rankow et al. shows a handle member 26 tied to a portable chest but the handle member does not extend across and within the inner portion of the chest. Therefore, none of the references anticipates the claimed invention as set forth in claim 3.

For at least the same reason as claim 3, dependent claim 4 is not anticipated.

Claims 21 and 23 having similar limitations as claims 3 and 4 are not anticipated for at least the same reasons as claims 3 and 4. Furthermore, none of the references show two pair of holes. For at least this reason claims 21 and 23 are not anticipated by the cited references.

Claim 23 is not anticipated by any of the cited references for at least the same reason as claim 21.

Claim 7 has been rejected under 35 USC §102(b) as being anticipated by Rumbough. Claim 7 has been canceled, and therefore, this rejection has been rendered moot.

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In view of the above amendment, applicant believes the pending application is in condition for allowance.

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Respectfully submitted,

By 

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